

SENATE BILL 406
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 3; Title 2, Chapter 6 and Title 2, Chapter 9, relative to voting accessibility for individuals with disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-3-107(a), is amended by inserting the following language prior to the first sentence of the subsection:

As of January 1, 2008, the county election commission shall designate as polling places, including early voting locations, only rooms that are accessible to voters with disabilities.

SECTION 2. Tennessee Code Annotated, Section 2-3-109, is amended by deleting the language "handicapped voter" or "handicapped voters" wherever they appear and substituting instead the language "voter with disabilities" or "voters with disabilities".

SECTION 3: Tennessee Code Annotated, Section 2-3-109(a), is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) It is the intent of the state of Tennessee to provide equal access to registration facilities and polling places for all voters, including elderly voters and voters with disabilities.

SECTION 4: Tennessee Code Annotated, Section 2-3-109(b), is amended by deleting the subdivision (2) in its entirety and substituting instead the following:

(2) "Voter with a disability" means any person whose disability meets the definition of a disability as defined by the Americans with Disability Act (42 U.S.C. 12131 et seq.).

SECTION 5: Tennessee Code Annotated, Section 2-3-109(c), is amended by adding the following language after the word “office” and before the word “shall”:

and every site used by the county election commission for voter registration

SECTION 6: Tennessee Code Annotated, Section 2-3-109(d), is amended by deleting subdivision (1) and substituting instead the following:

By January 1, 2008, all voting precincts shall be made accessible to elderly voters and voters with disabilities, unless the state election commission and state election coordinator determines that the precinct cannot be made accessible to elderly voters and/or voters with disabilities without imposing an undue financial burden or fundamentally altering the nature of the state’s voting program.

SECTION 7: Tennessee Code Annotated, Section 2-3-109(e)(2)(A), is amended by deleting from the second sentence the language “does not comply with provisions of the Public Law 98-435 of the 98th Congress” and substituting instead the language “is not accessible to the voter”.

SECTION 8: Tennessee Code Annotated, Section 2-3-109(f), is amended by deleting the words “and secures adequate facilities and supplies” and substituting instead the language “to provide accessible facilities, materials, and equipment”.

SECTION 9: Tennessee Code Annotated, Title 2, Chapter 9, is amended by adding the following language as a new appropriately designated section:

() A statewide Voting Advisory Commission consisting of ten (10) members appointed by the secretary of state shall be created for the purpose of advising the state election commission and state election coordinator on the selection of voting systems to meet the needs of a diverse citizenry. The commission will be comprised of private citizens, including, but not limited to, voters who are elderly or voters with a disability.

SECTION 10: Tennessee Code Annotated, Section 2-6-201(5)(B), is amended by deleting the language “handicapped voter” and substituting instead the language “voter with a disability”.

SECTION 11: This act shall take effect on July 1, 2005, the public welfare requiring it.